

AMENDED IN ASSEMBLY JULY 12, 2005

AMENDED IN SENATE APRIL 13, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 513

Introduced by Senator Soto
(Coauthor: Senator Machado)

(Coauthors: Assembly Members Calderon, Parra, and Vargas)

February 18, 2005

An act to add Section 409.13 to the Military and Veterans Code, relating to military benefits, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 513, as amended, Soto. California National Guard: benefits and protection: deferral of interest on financial obligations.

Existing law provides certain protection for members of the California National Guard and reservists called to active duty, as specified, during the period of military service, with respect to, among other things, taxes or assessments, health or medical insurance, and death benefits payable to the surviving spouse or designated beneficiary of any member of the California National Guard, as specified.

This bill would create an additional benefit, subject to specified limitations, for members of the California National Guard killed in the line of duty in the service of the state or federal government by requiring a deferral, without penalty or accrual of any additional interest, for a period of 6 months after the member's death, of any interest on a financial obligation or liability, as specified, incurred by that member, *or* his or her surviving spouse, ~~or including any financial~~

obligation or liability incurred by the member for which the member's beneficiary, as defined, is liable, before the member's entry into service.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 409.13 is added to the Military and
2 Veterans Code, to read:

3 409.13. (a) To the extent permitted by federal law and the
4 California Constitution, any principal and interest on any
5 financial obligation or liability bearing interest and incurred by a
6 member of the California National Guard, *or his or her surviving*
7 *spouse, or the member's beneficiary any principal and interest*
8 *on any financial obligation or liability bearing interest incurred*
9 *by a member of the California National Guard for which the*
10 *beneficiary of that member is liable, shall be deferred for a*
11 *period of six months after the death of the member without*
12 *penalty or accrual of any additional interest.*

13 (b) For purposes of this section, the following terms have the
14 following meanings:

15 (1) "Interest" includes service charges, renewal charges, fees,
16 or any other charges with respect to any obligation or liability.

17 (2) "Beneficiary" means a beneficiary of the deceased member
18 of the California National Guard who is or has become, after the
19 member's death, liable for any of the member's financial
20 obligations or liabilities bearing interest.

21 (c) This section shall only apply:

22 (1) To a member of the California National Guard that is
23 killed in the line of duty in the service of the state or federal
24 government.

25 (2) When a member's surviving spouse or other beneficiary
26 provides written notice of the death of the member to the
27 financial institution to which he or she is liable and from which
28 he or she is requesting deferral of interest and payments as set
29 forth in this section.

1 (3) To a financial obligation or liability bearing interest that
2 was created between a private entity and a member of the
3 California National Guard; *or his or her surviving spouse, or his*
4 ~~*or her beneficiary to a financial obligation or liability bearing*~~
5 *interest that was created between a private entity and a member*
6 *of the National Guard for which the beneficiary of that member*
7 *is liable, before that member's entry into service.*

8 SEC. 2. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety
10 within the meaning of Article IV of the Constitution and shall go
11 into immediate effect. The facts constituting the necessity are:

12 In order to provide immediate relief to surviving spouses and
13 certain beneficiaries of deceased members of the California
14 National Guard, it is necessary for this act to take effect
15 immediately.